

**CITY COUNCIL
ATLANTA, GEORGIA**

AN ORDINANCE

07-O-0376

BY COUNCILMEMBERS CARLA SMITH AND NATALYN M. ARCHIBONG

AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

AUTHORIZING THE ABANDONMENT OF OBSOLETE SEWER EASEMENTS ON CERTAIN PROPERTY OWNED BY GLENWOOD PARK, L.L.C. AND LOCATED IN LAND LOT 12 OF THE 14TH DISTRICT OF FULTON COUNTY; ACKNOWLEDGING AND AUTHORIZING THE ACCEPTANCE OF NEW SEWER EASEMENTS FOR THE NEW STORM AND SANITARY SEWER SYSTEM CONSTRUCTED BY GLENWOOD PARK, L.L.C. AND AS DEDICATED BY GLENWOOD PARK, L.L.C.; AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS AND INSTRUMENTS; AND FOR OTHER PURPOSES.

WHEREAS, Glenwood Park, LLC ("Glenwood Park") owns certain real property known as the Glenwood Park Planned Development located in Land Lot 12 of the 14th District of Fulton County, Georgia (the "Development"); and

WHEREAS, Glenwood Park has subdivided the Development and intends to sell a subdivided portion (the "Property"), as further described in the legal description attached as Exhibit "C"; and

WHEREAS, the City of Atlanta has legal interest in two easements (the "Old Easements") for stormwater and wastewater conveyance systems, portions of which ran across the Property, and

WHEREAS, the stormwater and wastewater conveyance systems existing within the Old Easements and on the Property at the time of redevelopment were not suitable for the planned redevelopment and were demolished per plans approved by the City; and

WHEREAS, Glenwood Park designed and constructed separate storm sewer and wastewater conveyance system on the Property so that it can become part of a separated sanitary and stormwater collection system to be maintained and operated by the City as part of the City's public sanitary and stormwater system; and

WHEREAS, the construction of the new stormwater and wastewater conveyance system allowed the removal of the two (2) old sewer mains that were demolished; and

WHEREAS, upon request of the underlying property owners, it is the normal and ordinary process of the City of Atlanta to abandon and otherwise release all claim to any unused easement which has no identifiable potential for future use, and to dissolve and

remove the encumbrance to the affected property by quitclaiming all rights associated with the City's former easement interest to the property owner; and

WHEREAS, the Glenwood Park have made such request and desires to dedicate the new stormwater and wastewater conveyance system to the City in exchange for the City abandoning its interest in the Old Easements affecting the Property; and

WHEREAS, the Commissioner of the Department of Watershed Management recommends the exchange of the old easements for the new easements on the subject property, as further described above.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Those two (2) sanitary sewer easements from which the sewer main has been removed, upon the Property belonging to Glenwood Park lying in Land Lot 12 of the 14th District of DeKalb County in the City of Atlanta, conveyed to the City by Atlanta Wood Preserving Co., Inc., dated August 30, 1967, recorded at Deed Book 4789, page 365, in the office of the Clerk of the Superior Court of Fulton County, Georgia and by Atlanta & West Point Railroad, dated April 7, 1936, recorded at Deed Book 1640, page 391, in the office of the Clerk of the Superior Court of Fulton County, Georgia, as more particularly shown on that certain Demolition Plan attached hereto as Exhibit "A", are hereby declared no longer useful or necessary for present or future public use and convenience.

SECTION 2. That any and all other easements upon said Property to the interest of the City of Atlanta shall remain in effect unchanged.

SECTION 3. The City accepts dedication of the portion of the sewer easements depicted and described in Exhibit "B", attached to this ordinance and incorporated herein by reference, upon receipt of properly executed easements granting sewer easements from the owner of record of the Property to the City in accordance with Exhibit "B" and in substantial form as prescribed by the City Attorney.

SECTION 4. That upon approval of this ordinance, the City Attorney is hereby directed to prepare a Quitclaim Deed and a Sewer Easement Agreement for execution by the Mayor, containing terms and conditions legally required for this transaction to be approved by the City Attorney as to form.

SECTION 5. The Mayor or her designee is authorized to execute the Quitclaim Deed, the Sewer Easement Agreement and any documents and instruments necessary to accomplish the abandonments and dedications set forth in Sections 1. – 3.

SECTION 6. The City Attorney is authorized to prepare all necessary documents and instruments and to record all documents in the records of Fulton County as required.

SECTION 7. All ordinances and parts of ordinances in conflict with this ordinance are hereby waived for this instance only.

AN ORDINANCE



BY COUNCILMEMBERS CARLA SMITH AND NATALYN M. ARCHIBONG

AUTHORIZING THE ABANDONMENT OF OBSOLETE SEWER EASEMENTS ON PROPERTY OWNED BY GLENWOOD PARK, L.L.C. IN LAND LOT 12 OF THE 14TH DISTRICT OF FULTON COUNTY; ACKNOWLEDGING AND ACCEPTING DEDICATION OF SEWER EASEMENTS FOR THE NEW STORM AND SANITARY SEWER SYSTEM CONSTRUCTED BY GLENWOOD PARK, L.L.C.; AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS AND INSTRUMENTS; AND FOR OTHER PURPOSES.

WHEREAS, Glenwood Park, LLC ("Glenwood Park") owns certain real property known as the Glenwood Park Planned Development located in Land Lot 12 of the 14th District of Fulton County, Georgia (the "Property"); and

WHEREAS, the stormwater and wastewater conveyance systems existing on the Property at the time of redevelopment were not suitable for the planned redevelopment and demolished per plans approved by the City; and

WHEREAS, Glenwood Park designed and constructed separate storm sewer and wastewater conveyance system on the Property so that it can become part of a separated sanitary and stormwater collection system to be operated by the City; and

WHEREAS, the construction of the new stormwater and wastewater conveyance system allowed the removal of the two (2) old sewer mains that were demolished; and

WHEREAS, upon request of the underlying property owners, it is the normal and ordinary process of the City of Atlanta to waive all claim to any unused easement which has no identifiable potential for future use, and to dissolve and remove the encumbrance by quitclaiming all rights to the property owner; and

WHEREAS, the underlying property owners have made such request; and

WHEREAS, Glenwood Park desires to dedicate the new stormwater and wastewater conveyance system to the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1. Those two (2) sanitary sewer easements from which the sewer main has been removed, upon the property belonging to Glenwood Park lying in Land Lot 12 of the 14th District of DeKalb County in the City of Atlanta, conveyed to the City by Atlanta Wood Preserving Co., Inc., dated August 30, 1967, recorded at Deed Book 4789, page 365, in the office of the Clerk of the Superior Court of Fulton County, Georgia and by Atlanta & West Point Railroad, dated April 7, 1936, recorded at Deed Book 1640, page 391, in the office of the Clerk of the Superior Court of Fulton County, Georgia, as more particularly shown on that certain Demolition Plan attached hereto as Exhibit "A", are hereby declared no longer useful or necessary for present or future public use and convenience.

Section 2. That any and all other easements upon said property to the interest of the City of Atlanta shall remain in effect unchanged.

Section 3. The City hereby accepts dedication from Glenwood Park of the sewer easements depicted and described on Exhibit "B" attached to this ordinance and incorporated herein by reference.

Section 4. That upon approval of this ordinance, the City Attorney is hereby directed to prepare a Quitclaim Deed and a Sewer Easement Agreement for execution by the Mayor, containing terms and conditions legally required for this transaction to be approved by the City Attorney as to form.

Section 5. The Mayor or her designee is authorized to execute the Quitclaim Deed, the Sewer Easement Agreement and any documents and instruments necessary to accomplish the abandonments and dedications set forth in Sections 1. – 3.

Section 6. The City Attorney is authorized to prepare all necessary documents and instruments and to record all documents in the records of Fulton County as required.

Section 7. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

LEGAL DESCRIPTION

Sewer Easement across Glenwood Park Parcel A-2

ALL THAT TRACT or parcel of land lying in Land Lot 12 of the 14th District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

To find the Point of Beginning, Commence at the intersection of the Easterly right-of-way of Bill Kennedy Way (variable right-of-way width) with the Southerly right-of-way of Interstate 20 (variable right-of-way width);

THENCE proceed along said Southerly right-of-way of Interstate 20, North 70 degrees 35 minutes 11 seconds East for a distance of 104.40 feet to a point

THENCE departing said right-of-way South 00 degrees 03 minutes 13 seconds West for a distance of 23.69 feet to the POINT OF BEGINNING;

The POINT OF BEGINNING thus established, **THENCE** North 72 degrees 07 minutes 24 seconds East for a distance of 331.64 feet to a point;

THENCE South 18 degrees 33 minutes 04 seconds East for a distance of 52.01 feet to a point;

THENCE South 72 degrees 07 minutes 24 seconds West for a distance of 340.92 feet to a point;

THENCE South 00 degrees 44 minutes 55 seconds East for a distance of 136.96 feet to a point;

THENCE North 89 degrees 56 minutes 47 seconds West for a distance of 9.68 feet to a point;

THENCE North 00 degrees 03 minutes 13 seconds East for a distance of 62.43 feet to a point;

THENCE North 89 degrees 56 minutes 47 seconds West for a distance of 20.00 feet to a point;

THENCE North 00 degrees 03 minutes 13 seconds East for a distance of 76.72 feet to a point;

THENCE along a curve to the right having an arc length of 24.62 feet and a radius of 20.00 feet, being subtended by a chord of North 35 degrees 19 minutes 12 seconds East for a distance of 23.10 feet to a point;

THENCE North 70 degrees 35 minutes 11 seconds East for a distance of 7.07 feet to a point;

THENCE North 00 degrees 03 minutes 13 seconds East for a distance of 28.73 to the point of beginning;

SAID TRACT contains an area of 0.476 acres or 20,737 square feet.

TRACT A

All that tract or parcel of land lying in Land Lot 12 of the 14th District of Fulton County, City of Atlanta, and being more particularly described as follows:

To find the POINT OF BEGINNING, commence at the intersection of the Southerly right-of-way of Interstate 20 (variable right-of-way) with the Easterly right-of-way of Bill Kennedy way (variable right-of-way), said point being the POINT OF COMMENCEMENT;

Thence along the Southerly right-of-way of Interstate 20, North 70 degrees 35 minutes 11 seconds East for a distance of 104.40 feet to the POINT OF BEGINNING;

The point of beginning thus established, thence continue along Interstate 20 right-of-way North 70 degrees 35 minutes 11 seconds East for a distance of 324.10 feet to point;

thence departing said right-of-way South 18 degrees 33 minutes 04 seconds East for a distance of 187.90 feet to Mag nail set on the 20 foot private alley;

thence along said private alley a curve to the left having a radius of 470.50 feet and an arc length of 381.54 feet, being subtended by a chord of South 67 degrees 56 minutes 18 seconds West for a distance of 371.18 feet to a 5/8 inch rebar set;

Thence continue along said private alley a curve to the right having a radius of 10.00 feet and an arc length of 7.91 feet, being subtended by a chord of South 67 degrees 22 minutes 49 seconds West for a distance of 7.71 feet to a 5/8 inch rebar set;

Thence continue along said private alley North 89 degrees 56 minutes 47 seconds West for a distance of 14.53 feet to a 5/8 inch rebar set;

Thence departing said alley, North 00 degrees 03 minutes 13 seconds East for a distance of 212.78 feet to the POINT OF BEGINNING.

Said property contains an area of 60,840 square feet or 1.397 acres.

TRACT B

All that tract or parcel of land lying in Land Lot 12 of the 14th District of Fulton County, City of Atlanta, and being more particularly described as follows:

To find the POINT OF BEGINNING, commence at the intersection of the Southerly right-of-way of Interstate 20 (variable right-of-way) with the Easterly right-of-way of Bill Kennedy way (variable right-of-way), said point being the POINT OF COMMENCEMENT;

Thence along said Southerly right-of-way of Interstate 20, North 70 degrees 35 minutes 11 seconds East for a distance of 104.40 feet to a point;

Thence departing said right-of-way South 00 degrees 03 minutes 13 seconds West for a distance of 52.42 feet to the POINT OF BEGINNING;

The point of beginning thus established, thence South 00 degrees 03 minutes 13 seconds West for a distance of 97.93 feet to a point;

Thence North 89 degrees 56 minutes 47 seconds West for a distance of 20.00 feet to a point;

Thence North 00 degrees 03 minutes 13 seconds East for a distance of 76.72 feet to a point;

Thence along a curve to the right having an arc length of 24.62 feet and a radius of 20.00 feet, being subtended by a chord of North 35 degrees 19 minutes 12 seconds East for a distance of 23.10 feet to a point;

Thence North 70 degrees 35 minutes 11 seconds East for a distance of 7.07 feet to the POINT OF BEGINNING.

Said tract contains an area of 1,851 square feet or 0.042 acres.

OVERALL TRACT

All that tract or parcel of land lying in Land Lot 12 of the 14th District of Fulton County, City of Atlanta, and being more particularly described as follows:

To find THE POINT OF BEGINNING, Commence at the intersection of the Southerly right-of-way of Interstate 20 (variable right-of-way) with the Easterly right-of-way of Bill Kennedy way (variable right-of-way), said point being THE POINT OF COMMENCEMENT;

Thence along the Southerly right-of-way of Interstate 20, North 70 degrees 35 minutes 11 seconds East for a distance of 104.40 feet to the POINT OF BEGINNING;

The point of beginning thus established, thence continue along Interstate 20 right-of-way North 70 degrees 35 minutes 11 seconds East for a distance of 324.10 feet to point;

Thence departing said right-of-way South 18 degrees 33 minutes 04 seconds East for a distance of 187.90 feet to mag nail set on the 20 foot private alley;

Thence along said private alley a curve to the left having a radius of 470.50 feet and an arc length of 381.54 feet, being subtended by a chord of South 67 degrees 56 minutes 18 seconds West for a distance of 371.18 feet to a 5/8 inch rebar set;

Thence continue along said private alley a curve to the right having a radius of 10.00 feet and an arc length of 7.91 feet, being subtended by a chord of South 67 degrees 22 minutes 49 seconds West for a distance of 7.71 feet to a 5/8 inch rebar set;

Thence continue along said private alley North 89 degrees 56 minutes 47 seconds West for a distance of 14.53 feet to a 5/8 inch rebar set;

Thence departing said alley, North 00 degrees 03 minutes 13 seconds East for a distance of 62.43 feet to a point;

Thence North 89 degrees 56 minutes 47 seconds West for a distance of 20.00 feet to a point;

Thence North 00 degrees 03 minutes 13 seconds East for a distance of 76.72 feet to a point;

Thence along a curve to the right having an arc length of 24.62 feet and a radius of 20.00 feet, being subtended by a chord of North 35 degrees 19 minutes 12 seconds East for a distance of 23.10 feet to a point;

Thence North 70 degrees 35 minutes 11 seconds East for a distance of 7.07 feet a point;

Thence North 00 degrees 03 minutes 13 seconds East for a distance of 52.42 feet to the POINT OF BEGINNING.

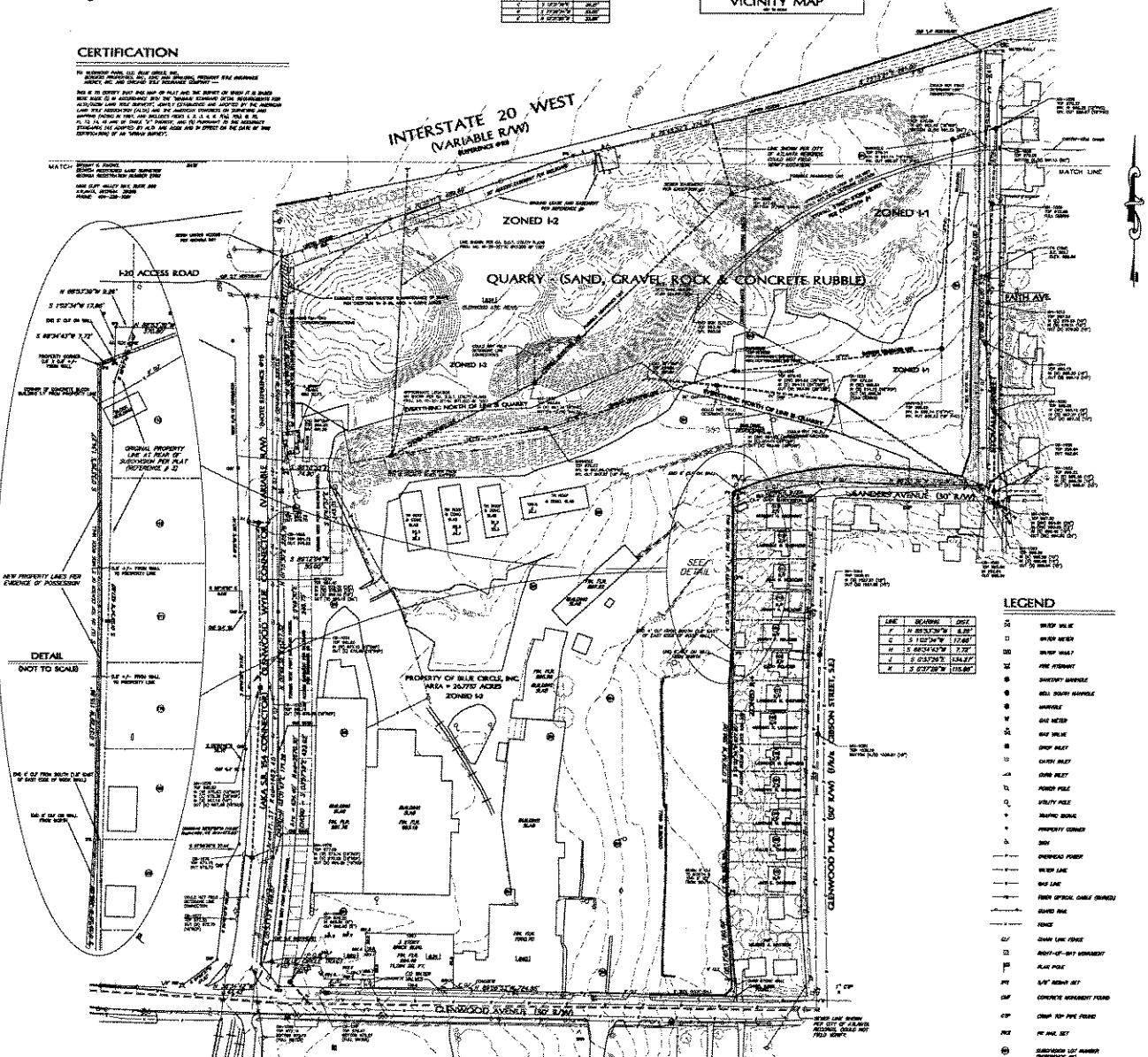
Said property contains an area of 62,691 square feet or 1.439 acres.

LEGAL DESCRIPTION

- [illegible]

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

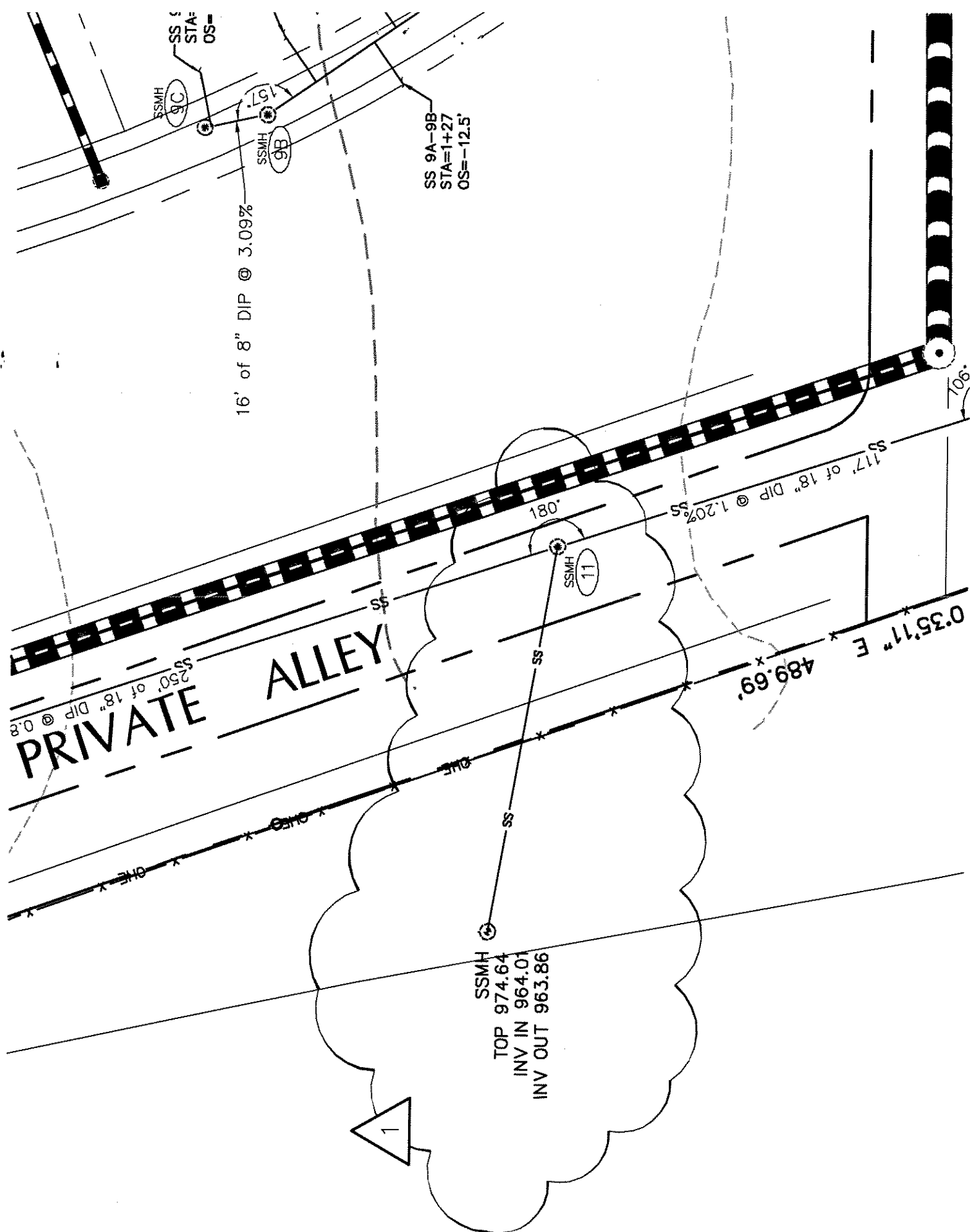
NY MEMORANDUM PAGE 122, NEW ORLEANS, LA
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LINE	BEARINGS	DIST.
F	N 88°33'30"W	8.20
G	S 1°02'34"W	17.65
H	S 88°34'43"W	7.72
J	S 01°37'26"E	134.37
K	S 01°37'26"W	115.90

LEGEND

- [illegible]



$\Delta H_{\text{vap}} = 40.7 \text{ kJ/mol}$